

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

V. No. 1:19-cr-10040-JDB

JEFFREY W. YOUNG, JR.,
Defendant.

MOTION HEARING

BEFORE THE HONORABLE J. DANIEL BREEN

MAY 20, 2019

CATHY BEST, RPR
Official Court Reporter
167 North Main Street, Suite 242
Memphis, Tennessee 38103

UNREDACTED TRANSCRIPT

1 officers. And that's why we brought you that evidence.

2 There's no conditions that can control that
3 but to detain him. Thank you.

4 **THE COURT:** All right. This matter is before
5 the Court on de novo review from the decision of
6 Magistrate Judge John York, which granted bond to
7 Mr. Young.

8 The Court has conducted a lengthy hearing both
9 a week ago Monday and today. It is now 6:20. We've been
10 going all day on this one and certainly a good part of
11 half a day previously.

12 Of course, there is a presumption that the
13 government has raised for the type of offense which
14 Mr. Young has been charged, which is not significantly
15 difficult to overcome I think based upon what has been
16 presented, that Mr. Young has overcome that presumption.

17 However, the government still has the burden
18 of -- persuasion remains with the government to establish
19 that Mr. Young does pose a danger or is a flight risk. I
20 don't think there's really an indication that Mr. Young
21 is a flight risk. So the question now comes before the
22 Court dealing with does he pose a danger to the
23 community.

24 Again, the nature and circumstances of the
25 offense in the Court's mind does raise a rebuttal

1 presumption in favor of detention under 18, USC,
2 Section 3142(e)3, again, which can be overcome, but it
3 does involve the distribution of controlled substances.

4 There is certainly -- a grand jury has
5 returned an indictment. So there's probable cause to
6 believe that the defendant committed the offense. Of
7 course, that's not trial. It's simply probable cause
8 establishment, the grand jury's determination.

9 The next factor the Court is to consider is
10 the weight of the evidence, which goes to the -- the fact
11 goes to the weight of the evidence, the dangerousness,
12 not the weight of the evidence of the defendant's guilt.

13 The Court has heard over the last couple of
14 days, today and last Monday, a number of witnesses and
15 evidence that would indicate that Mr. Young has, in fact,
16 made statements, has conducted himself in a manner that
17 would seem, to me, that he has actually threatened
18 people.

19 There's photographs indicating that he may
20 have inflicted injuries on other individuals at times.
21 And he has made fairly strong statements about other
22 individuals that have disagreed with him or attempted to
23 in any way impact his business or his activities.

24 Fortunately, he hasn't acted on that anytime
25 soon. Of course, he's been under bond and federal

1 charges at this point. Certainly prior to that time,
2 during the time when the indictment, the accusations
3 against him, there was that. And there's still some
4 indication both of Facebook and text messages that do
5 appear to indicate his propensity for violence or some
6 type of acts of retribution or whatever. I think that
7 factor probably weighs against Mr. Young's continued
8 release.

9 History and characteristics of the defendant.
10 There has been some involvement with the criminal justice
11 system, not any convictions, of course. But there have
12 been some activities in which the proof has presented
13 that Mr. Young again has had some issues. Some of it may
14 have been related to his mental capacity or some use of
15 alcohol.

16 There has been testimony that indicates he
17 presently seems to be in a fairly decent mental state.
18 Be that as it may, he does have a history again of some
19 outbursts and other indications about his saying things
20 to others and threatening them and posting matters.

21 Certainly, I've already mentioned the video
22 that was shown and some of the activities that Mr. Young
23 was involved, particularly the one certainly -- it was
24 difficult to watch. But in my opinion, the relationship,
25 the sexual relationship Mr. Young was apparently having

1 with the woman that appeared, to me, to be at least
2 semi-conscious if not fully under some type of
3 circumstance that she was not in complete control of her
4 faculties, that obviously is certainly a problem from the
5 Court's standpoint.

6 Again, it's a close question in terms of his
7 other aspects, but I still think that that particular
8 factor, that history and characteristic, does indicate
9 that his background and some of his actions have proven
10 to be of concern to the Court during the course of these
11 events.

12 And finally, the danger to the community that
13 Mr. Young poses by his continued release, whether or not
14 there are any conditions or combination of conditions
15 that can be imposed to protect the safety of the
16 community, considering all the evidence the Court has
17 heard over these last couple days, the Court concludes
18 that, again, based upon review of all the testimony here
19 that there are no conditions, combination of conditions,
20 that would assure the safety of the community by
21 Mr. Young's continued release. The Court is going to
22 find that he should be detained pending the trial of this
23 case.

24 We'll go ahead and set a release -- excuse me,
25 a report date. I know, of course, Mr. Ferguson indicates